

In re) Fair Hearing No. 17,925
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Appeal of)

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her benefits in the Reach Up Financial Assistance (RUFA) program due to excess income.

3. On July 18, 2002 PATH sent the petitioner a notice stating that she would no longer be eligible for RUFA benefits as of August 1, 2002 due to the unemployment compensation money. The petitioner received a calculation sheet showing that the family's income was now determined to be \$1,044.90

per month, an amount in excess of the \$683.91 payment to which they were entitled under RUFA.

4. After the petitioner reported that her child's father was paying child support for another child outside of the home, the petitioner's eligibility was recalculated. The monthly child support payment of \$218.13 was deducted from the unemployment compensation. The balance, \$826.77, was still greater than the \$683.91 maximum that this family could receive under RUFA benefits and so the family continued to be denied. They were notified of this continued denial by a notice dated July 22, 2002. The petitioner appealed that notice and has continued to receive RUFA benefits pending the outcome of this hearing.

5. Sometime towards the end of August 2002, the child's father began a job and stopped receiving unemployment compensation benefits. The petitioner did not report this change to PATH. At the time of the hearing on September 9, 2002, the petitioner reported for the first time that her child's father was now making somewhere between \$580 and \$870 per month at his new job. She was advised to immediately reapply for RUFA benefits and to provide documentation of this new income.

ORDER

The decision of PATH terminating the petitioner's RUFA benefits is affirmed.

REASONS

Under regulations adopted by PATH, the needs of the petitioner's family were calculated by adding a standard needs figure for a family of three to the petitioner's actual shelter expense up to a maximum of \$400. W.A.M. 2245.2 and 2245.3. PATH gave the petitioner the maximum needs budget for her family size which was \$1,341 per month. Prior to October 1, 2002, PATH only paid 51 percent of any recipient's needs due to "insufficient" funding of the program. W.A.M. 2245.24.¹ This "ratable reduction" brought the actual payment to the petitioner down to \$683.91 per month. The petitioner does not dispute the amount of the payment made to her family when they had no income.

Any amounts earned by a member of the family during a given month are considered before a full payment is made. Unearned income, such as unemployment compensation, is counted in eligibility determinations but is subject to an exclusion for amounts paid pursuant to a child support order. W.A.M. 2252 and 2255.1(8). PATH correctly excluded amounts paid by the petitioner's child's father for child support as soon as that payment was reported to it and verified by the petitioner. PATH correctly calculated the amount of the petitioner's family's countable RUFA income as \$826.77 (\$1,044.90 (monthly unemployment compensation) minus

¹ After October 1, 2002, that amount will go down to 50.1 percent.

\$218.13 (monthly child support paid out)).

The regulations require that the net countable income of a family be deducted from the payment standard to see what is owed to the petitioner. W.A.M. 2245.24. Since \$683.91 (the payment amount) minus \$826.77 (the countable income) is less than zero, the petitioner was not eligible for a RUFA payment beginning in August of 2002. PATH correctly calculated the family's income for RUFA benefits and correctly determined that the petitioner was no longer eligible for benefits. Since PATH's decision is in accord with its regulations, the Board is bound to affirm its decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

The petitioner was advised at the hearing that she needed to immediately reapply for RUFA benefits based on a new income situation that she alleged started near the end of August. She was also advised that her immediate reapplication could cause her to be eligible for some benefits during the month of September. It is to be hoped that the petitioner took this advice and reapplied and verified the new income or, if not, that she will take that step soon so her eligibility can be redetermined.

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